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5. Venue is proper per Section 508.010 of the Missouri Revised Statutes.

FACTS COMMON TO ALL COUNTS

6. On July 27, 2020, Plaintiff was a business invitee at the Store, when she fell in a hole causing Plaintiff to injure her right knee, toe and ankle (hereinafter the “Incident”).

7. The acts and omissions of Defendant were carried out by its agent, servants and employees, acting within the course and scope of their employment with Defendant.

COUNT I - NEGLIGENCE

8. Plaintiff hereby incorporates by reference all preceding allegations of the Petition for Damages as if full set forth herein.

9. At all relevant times herein, Defendant was the owner of the Premises and/or maintained possession, control and/or maintenance of the Premises where the Incident occurred.

10. Defendant owed a duty to exercise reasonable care to ensure that the Premises were in a reasonably safe and suitable condition for invitees, including Plaintiff.

11. At the time of the Incident, the area where the Incident occurred constituted a dangerous condition.

12. Defendant knew or should have known through the exercise of reasonable care that the condition of the Premises at the date and time of the Incident was unreasonably dangerous.

13. Alternatively, Defendant negligently created the dangerous condition or so caused it to be created by negligently maintaining the Premises, such that Defendant was deemed to have had actual notice of said dangerous condition.

14. Defendant breached its duty to Plaintiff when it failed to keep the Premises in a condition that was reasonably safe for Plaintiff and other invitees, and further by failing to remedy or warn Plaintiff of said dangerous condition.

15. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff

was injured and has suffered and will continue to suffer damages including, but not limited to, those arising from:

- a. Past medical and hospital expenses;
- b. Future medical, hospital and life care expenses;
- c. Past lost wages;
- d. Diminished earning capacity;
- e. Past and future emotional distress;
- f. Pain and suffering;
- g. Mental anguish;
- h. Disfigurement; and
- i. Past and future loss of enjoyment of life.

16. All of Plaintiff's injuries, disabilities, infirmities and damages are permanent, painful, and progressive in nature and extent.

WHEREFORE, based on the foregoing, Plaintiff prays for a judgment against Defendant in excess of \$25,000, Plaintiff's costs incurred herein and for such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all counts and claims in this cause of action.

Respectfully submitted,

DIPASQUALE MOORE, LLC

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